

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ALAN JOHN JOSCUM,

Defendant.

CR 20–30–M–DLC

ORDER

Before the Court is Defendant Alan John Joscum’s Motion in Limine. (Doc. 23.) Joscum has been charged in the Indictment with making a false statement during a firearms transaction in violation of 18 U.S.C. § 922(a)(6). (Doc. 1.) According to the Indictment, Joscum denied he was subject to a court restraining order when he attempted to purchase a firearm. (*Id.*)

Joscum indicates that he will stipulate to the fact that he was subject to an order of protection at the time he attempted to purchase a gun, but seeks to preclude evidence pertaining to the content of the protective order and facts surrounding its entry as unduly prejudicial under Federal Rule of Evidence 403 and *Old Chief v. United States*, 519 U.S. 172 (1997). (Doc. 24 at 4.) Specifically, Joscum objects to admission of paragraph 5 of the Sworn Petition for Temporary Order of Protection (Doc. 24-2 at 3–4).

The Government largely does not oppose this request. (Doc. 28 at 2.) Although it intends to introduce the orders themselves (Docs. 24-3, 24-4, 24-5), it agrees not to seek the introduction of the petition (Doc. 24-2) or the facts referenced in paragraph 5. (Doc. 28 at 2.) Although the Government does reserve the right to seek the admission of such evidence if it becomes necessary for rebuttal or cross-examination. (*Id.*)

The Court will grant Defendant's motion in limine to the extent he seeks to preclude admission of paragraph 5 and any other evidence that would go to the facts that prompted the entry of the protective order in the Government's case-in-chief. If, however, Joscum opens the door to such evidence, the Court reserves ruling on its admissibility for purposes of cross-examination or rebuttal.

IT IS ORDERED that Defendant's Motion (Doc. 23) is GRANTED.

DATED this 22nd day of October, 2020.



Dana L. Christensen, District Judge
United States District Court